THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.19568 of 2005

06.9.2005

Between:

1. Shuja Mohammed Sheriff, S/o.Rahman Sheriff, Marredpalli,

Secunderabad and another.

… Petitioners.

AND

1. Mandal Revenue Officer, Marredpalli Mandal, Tukaram Gate,

Secunderabad and another.

… Respondents.

ORDER:

The petitioners purchased plot Nos.144 and 148 respectively under two separate sale deeds dated 20.1.1992 and 20.2.1997 from M/s Ravi Cooperative Housing Society Limited. The plots are comprised in Survey No.74/3. The petitioners allegedly obtained necessary permission from the Secunderabad Cantonment Board and were proceeding with the construction in accordance with the sanction plan. They allege that the first respondent and his subordinates along with the police visited the site on 25.8.2005 and directed the petitioners not to proceed with the construction. Therefore, the petitioners filed the present writ petition seeking a direction to the respondents and their subordinates to act in accordance with law.

After getting instructions in the matter, at the stage of admission itself, the learned Assistant Government Pleader for Revenue (General) submits that Survey No.74/3 is registered in the revenue records as the Government land and therefore, the Government of A.P. represented by the Mandal Revenue Officer, Marredpally has filed a case being L.G.C. No.167 of 1997 before the Special Court under A.P. Land Grabbing (Prohibition) Act, 1982 and the same is pending. The learned A.G.P. also produced before this Court a copy of the order dated 08.12.1998 in I.A.Nos.1405 to 1408 of 1998 in L.G.C.No.167 of 1997 wherein the learned Special Court restrained the Mandal Revenue Officer, Marredpally as well as the persons, who are in possession of the land, from making any further construction in the land comprised in Survey No.74/3. In all these applications, M/s Ravi Coopeative Housing Society Limited, the vendor of the petitioners, is arrayed as respondent No.4.

The learned Counsel for the petitioners, Sri Vedula Srinivas, submits that the

petitioners purchased the house plots in January 1997 and therefore, any order passed against the petitioners' vendor subsequent thereto would not bind on the petitioners. This is, however, refuted by the learned A.G.P., who contends that the orders of injunction passed by the Special Court bind the petitioners, who purchased the property from M/s Ravi Cooperative Housing Society Limited.

Admittedly, the petitioners herein are not made parties to L.G.C. No.167 of 1997 though their vendor, M/s Ravi Cooperative Housing Society Limited, is a party. Therefore, unless and until a specific prohibitory order is obtained against the petitioners or necessary clarification from the Special Court is sought with regard to the order dated 08.12.1998 passed in I.A.Nos.1405 to 1408 of 1998, the Mandal Revenue Officer could not have resorted to any coercive action against the petitioners as alleged. If this question is decided herein, it might result in multiplicity of proceedings and therefore, this Court is not inclined to exercise its discretionary power under Article 226 of Constitution of India.

Accordingly, the writ petition is disposed of in the following manner. The Mandal Revenue Officer, Marredpally shall file application before the Special Court for impleading the petitioners in L.G.C.No.167 of 1997 within a period of four weeks from the date of receipt of a copy of this order and obtain appropriate orders against the petitioners. Till then, the Mandal Revenue Officer shall not in any manner disturb the possession of the petitioners. Further, in view of the orders of injunction granted by the Special Court on 08.12.1998, as referred to herein above, it would be appropriate to direct *status quo* as on today with regard to possession as well as construction by the petitioners.

The writ petition is, accordingly, disposed of. No costs.

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(**V.V.S.RAO,J**)

September 06, 2005.

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